

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00276/2014

Jodhpur, this the 1st day of April, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Narendra Upadhyay s/o Late Shri Bhagwan Lal Upadhyay, aged about 56 years, b/c Brahman, r/o H.No.2-G-19, Santinagar, Hiranmagri, Sector-V, Udaipur (working as Telephone Mechanic (TM), in the office of SDE (MDF & Bldg. Udaipur).

.....Applicant

By Advocate: Shri S.P.Singh

Versus

1. Bharat Sanchar Nig am Limited, through the Chief General Manager, Telecommunication, Rajasthan Telecommunication Rajastha Telecom circle, Sardar Patel Marg, Jaipur.
2. The General Manager, GMTD, Udaipur, Sector-IV, Hiranmagri, Udaipur.
3. The Asst. General Manager (Admin) O/o GMTD, Udaipur.
4. The Sub Divisional Engineer, BSNL O/o SDE (MDF & Bldg) CTX Near Session Court, Udaipur.
5. Shri Neel Kanth Bhavsar, Riced, O/o JTO Amet.

.....Respondents

By Advocate : None present

ORDER

In this Original Application, the applicant is aggrieved of the order dated 04.07.2014 (Ann.A/1) passed in accordance with transfer order contained in order the dated 20.06.2014 (Ann.A/2)

whereby the applicant has been relieved to report duty to Riced O/o JTO, Amet.

2. Brief facts of the case, as stated by the applicant, are that he was initially engaged as Mazdoor on 4.5.1980. Thereafter he was appointed as Regular Mazdoor and promoted to the post of Telephone Mechanic in the year 2000. The applicant has been transferred vide order dated 20.06.2014 and vide order dated 4.7.2014 he was relieved to report duty to Riced. The applicant has stated that no reason for his transfer has been given and after crossing the age of 55 years, the official will not be transferred according to the policy of the respondents. The applicant has crossed the age of 55 years and running in 56, therefore, he is not supposed to be transferred as per the guidelines issued by the competent authority. The applicant has placed reliance on the provisions of the BSNL Employees Transfer Policy dated 07.05.2008 (Ann.A/3) in support of his claim. The applicant has further stated that he is suffering from Osteo Arthritis and there is problem in movement and most of the time he has severe pain in both knees. According to the applicant, his wife has expired, son is married and living separately and daughter looks after but she is married and living in Udaipur. The applicant has also filed representation dated 14.7.2014 (Ann.A/5) to the respondents, but the respondents have not decided the representation till date.

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Therefore, aggrieved of the inaction on the part of the respondents, the applicant has filed this OA.

3. Reply has not been filed by the respondents despite giving last opportunity by this Tribunal vide order dated 4.12.2015. After that further two weeks' time was also allowed to file reply vide order dated 18.3.2016, but no reply has been filed.

4. Heard the learned counsel for the applicant and perused the record. None was present from the respondents' side. Shri S.P.Singh, learned counsel for the applicant drew my attention to Para- 13(iii) of the BSNL's Employee Transfer Policy dated 7th May, 2008 - Section-D- Additional Guidelines Specific to Non-Executives, which provides as under:-

"13.....

(iii) Generally, transfer of employees who are more than 55 years of age as on 31st March of that financial year would be avoided for posting to tenure stations. Employees of 56 years or more (as on 31st March of the particular financial years) shall normally be exempted from transfers involving change of station. However, they can be rotated on the basis of seat/section tenure at the same station.

5. The applicant has been transferred from SDE (MDF & Bldg.),

Zahaf Udaipur to Riched O/o JTO Amet vide order 20th June, 2014 and stated to have been relieved vide order dated 4.7.2014. Counsel for the applicant also drew my attention to the fact that the

widower needs constant help, which is provided by his daughter who is also residing at Udaipur.

6. The applicant has requested that transfer can be made in nearby station of Udaipur rather than to Riched which is relatively far.

7. In the facts and circumstances of the case, I am satisfied that sufficient cause exist for the applicant to be retained at nearby station, as requested by him, since the applicant has crossed the age of 55 years and has various family problems. The respondents are accordingly directed to amend the transfer order dated 20th June, 2014 (Ann.A/2) qua the applicant and post him at a place closer to Udaipur within a period of one month from the date of receipt of a copy of this order.

8. The OA stands disposed of in above terms, with no order as to costs.



(PRAVEEN MAHAJAN)
Administrative Member

R/